MILITARY GOVERNMENT IN FUTURE OPERATIONS

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ABSTRACT

The most fundamental decision made by the President of the United States regarding Iraq was his decision to administer post-war Iraq through the mechanics of a civilian-led organization instead of some version of military government similar to those used by Allied Powers in the aftermath of World War II. America's previous experiences with civilian-led administrations in post-war environments were that of inefficient organizations that resulted in friction, confusion, and poor performance. On the other hand, our history reflects a favorable experience with military government. This paper will briefly examine whether the President might have achieved his post-war objectives, at a much more rapid rate, and at a much smaller cost, had he opted for the utilization of military government during the initial period of occupation. The ultimate inquiry, however, is for the type of post-war administration we should use in future operations. To answer this question, I will summarize what happened in Iraq, describe both civilian administration and military government, and finally compare and analyze these two post-conflict options in the context of past and current operations.

MILITARY GOVERNMENT IN FUTURE OPERATIONS

Writing in the hindsight of the many difficult decisions made by the Coalition partners during the months leading up to Operation Iraqi Freedom (OIF), we are now positioned to analyze and comment on the single most fundamental of these decisions: the decision to administer the initial period of post-war Iraq through the mechanics of a civilian-led organization instead of some version of military government similar to those used by Allied Powers in the aftermath of World War II.[1] I proffer this paper in support of a three-pronged thesis. First, military government, despite a number of apparent disadvantages, is the most effective form of post-war administration during the first critical months of occupation (I make no argument that civilian-led administration is the superior long-term alternative).[2] Second, military government would have led to a more stable and secure platform on which to effect a rapid transition of authority back to the Iraqi People. Finally, the application and fidelity of the first two prongs are not limited to recent operations in Iraq, but have been true for thousands of years, and will remain true in future operations.

Post-war Iraq

On March 19, 2003, the United States and a "coalition of the willing" invaded Iraq to remove the regime of Saddam Hussein and eliminate the threat posed by Iraqi weapons of mass destruction.[3] The Coalition Forces made rapid military progress and within a matter of weeks President Bush announced an end to "major combat operations in Iraq."[4] For most American citizens the hard part seemed over; the only remaining element of the mission was some vague and short-term requirement for governmental administration of Iraq.[5] No one seemed to know how long this would take or exactly what it might involve, but almost everyone seemed persuaded that it would be over rather quickly and it would not take long to make the hand-off to a new and independent Iraqi government.[6]

Within weeks, however, Coalition allies began to realize that the administration of another nation and the simultaneous erection of a new government within such a nation would be fraught with a universe of complexities and friction points that might deepen and expand over time.[7] They also began to understand that their initial grasp of the problem and resulting approach might not provide the efficient path to the new Iraq envisioned by President Bush and other Coalition leaders.[8]

The Coalition's initial mindset seemed to be that the restoration of Iraqi governmental and economic infrastructure would be rapid, effective, and akin to merely resetting an existing set of systems.[9] This mindset was probably derived from the way the Coalition viewed the situation in

Iraq. There is significant evidence that they believed that much or even most Iraqi infrastructure was still intact, as well as a cadre of highly professional bureaucrats.[10] Moreover, they never foresaw the possibility for a determined and well-manned insurgency. [11] Finally, senior planners did not anticipate the impact of decisions to immediately disband the entire Iraqi military and remove senior members of the Ba'ath Party from all government positions.[12] Instead, they felt that the task to administer and reset this system would be much less demanding than the similar task that faced the Allied Forces in the aftermath of World War II in Europe and Japan.[13] In hindsight, we now realize that the Coalition severely underestimated the extent to which Iraqi infrastructure had eroded.[14]

The United States and its Coalition partners chose to administer Iraq through the procedures of a civilian-led organization, and announced the formation of the Office of Reconstruction and Humanitarian Assistance (ORHA), to be led by Lieutenant General (Retired) Jay Garner, who arrived in Baghdad on April 21, 2003.[15] Garner struggled for several weeks with organizational problems and staffing deficiencies, and made little progress.[16] Then, just one month later, in one of the most visible early indicators of the expanding challenges and problems in the administration of Iraq, ORHA and Garner were replaced with a new organization, the Coalition Provisional Authority (CPA), under the leadership of Ambassador L. Paul Bremer, III. [17]

Although Coalition military and political leaders understood that rapid and visible progress during the first six months of administration were absolutely critical to building Iraqi confidence, progress continued to move ahead slowly in Iraq.[18] Mr. Bremer did not arrive in Iraq until May 12, 2003. His staff principals trickled in at a painfully slow rate and the initial steps by CPA to rebuild and reset Iraqi systems progressed at an even slower pace.[19] In the interim, most senior military commanders in Iraq took positive steps to administer the provinces under their supervision, as they waited for CPA to begin to show signs of life. Major General David H. Petraeus, Commanding General of the 101st Airborne Division (Air Assault), had already taken steps to form an elected interim government in Northern Iraq and was moving rapidly to revive the local economies, rebuild the judicial system, and stand up the law enforcement function.[20] General Petraeus' rapid progress immediately sparked a high degree of Iraqi confidence and goodwill toward Coalition Forces. As a direct result, the security situation in northern Iraq improved rapidly – Coalition enemies found it very difficult to get a foothold in an area where the Coalition was delivering on its promises.[21]

Unfortunately, the first critical months of CPA's administration never matched this same degree of success. CPA's first six months of administration was continually plagued by a lack of

skilled personnel and organizational efficiency.[22] Although there was never any doubt that Mr. Bremer was a well-intentioned and effective leader, he was not able to rapidly build an organization capable of the enormity of the job in Iraq. Even the most important functional areas under CPA's direction: governance, essential services, and economic reform, moved ahead at little better than glacial speed. It was not until the spring of 2004, that CPA began to make regular and measurable progress. The critical first six months were lost, and this failure resulted in a loss of confidence by the Iraqi people in the Coalition's intentions and abilities.[23]

During the interim, Iraqi confidence and support of the coalition dropped dramatically.[24] Moreover, the average Iraqi citizen, who had believed that the Coalition came to liberate Iraq, began to believe that the Coalition came for less altruistic reasons.[25] The Iraqi people felt that the Coalition, led by the United States, could easily accomplish any task, even one as monumental as rebuilding Iraq's infrastructure and governance function.[26] Accordingly, the Iraqi people began to conclude that the Coalition's sluggish progress in resetting their national systems and associated infrastructure must be based on the fact that the Coalition and the United States were not really focused on this goal.[27] In fact, Iraqis often attributed loss of electrical power to Coalition-imposed collective punishment for the actions of insurgents, not realizing that the Coalition was doing all within its power to provide consistent access to electricity.[28]

The loss of Iraqi public support impacted every major Coalition effort in Iraq, and this loss was directly tied to the Coalition's failure to make reasonably rapid progress in achieving its most foundational goals: establishing a democratic form of Iraqi government and rebuilding the nation's capacity to deliver basic services to its population.[29] Consequently, it is imperative to understand what form of administration is most efficient, and whether this efficiency is based on the culture or other conditions and circumstances.

Civilian Administration

To understand why the United States chose to implement a civilian-led administration in Iraq, it is important to first describe the characteristics of civilian administration. Civilian administration traces its origin back to at least the pro-consuls who administered the occupied provinces of the Roman Empire.[30] Then as now, civilian administration was defined as the governance of an occupied territory by civil authority, as opposed to military governance.[31] During the Roman era, military garrisons provided the pro-consuls with security and the armed might to enforce the Roman mandate. The pro-consuls themselves, however, rarely enjoyed military backgrounds. Instead, they ascended to their positions either because of the wealth

and power of their family, as a result of political maneuver, or as a reward for astute administration elsewhere within the Empire.[32] Those with experience and talent proved to be effective administrators, however, those whose appointments resulted from personal wealth or political position, proved frequently to be ineffective.[33]

The Empire, however, typically ensured that a very important prerequisite was satisfied before it installed a non-military pro–consul in any given province. The military commander who conquered the province was required to warrant that the territory was at peace, and that the military threat had been either removed or reduced to a level that could be controlled by a civil administrator who had the benefit of a military garrison. If a significant martial threat existed, Rome opted for military governance.[34] Moreover, in all cases, it left a military governor in charge during the first critical months of occupation.

Rome found significant advantages to civilian governance of conquered territories. The Empire conquered territories with the intent of efficiently integrating new land and resources into the collective provinces that made up their empire.[35] Civilian administration permitted Roman emperors to reduce the size of Rome's provincial military presence, shift war-fighting leaders to places where their services were most needed, and perhaps most importantly, provided a mechanism to under gird their control of internal politics by way of patronage (whereby the sons of powerful Roman families received impressive and lucrative political appointments as pro-consuls).[36] Even though the administrative gifts of these appointees varied greatly, Rome's practice of providing proconsuls with gifted and experienced staffs vastly improved the rate of operational success of even the least prepared political appointees.[37] Rome found that successful administrations depended upon the Empire's ability to field an experienced and talented cadre of governance experts. [38]

The foregoing discussion of the motives and methods of Roman occupation remains relevant today because modern occupying powers utilize civilian administration for strikingly similar reasons.   First, they desire to reduce the commitment of an expensive military presence. Second, they desire to reduce the animosity between the indigenous population and the occupant's representatives, as military governance is thought to inflame resentment and friction.[39] Conversely, modern powers believe that a civilian-led administration tends to be less provocative, significantly enhancing the ability of the occupying power to normalize the daily lives of the population.[40] This is an inherently intuitive rationale and one that the Romans successfully embraced.

An additional potential benefit for the use of civilian-led administration is the civilian sector's tremendous capacity for specialized expertise in social and economic disciplines;

expertise and knowledge that is of great utility in post-war administration. This capacity undoubtedly outstrips any similar enabler resident in a potential military organization.[41] In fact, even the highly successful military governments of post-World War II suffered from a lack of intellectual and experiential capacity, a problem partially solved by the introduction of civilian experts.[42] In the end, success was defined by the hard work of military experts, ably advised and assisted by experienced and knowledgeable civilians. History has well-recorded the critical role played by the superior knowledge and experience of civilian members of the team.[43]

In the planning that occurred prior to the United States' occupation of the Philippines (1898), Japan (1945), Germany (1945), and Iraq (2003), national leaders concluded that civilian administration was superior to military government in at least one dimension, the nation's ability to recruit and organize a highly capable group of professionals, skilled in governance, the provision of essential services (transportation, water, food, and electrical power), and disaster relief.[44] Leaders in each respective era theorized that the nation's vast personnel resources, in terms of men and women with expertise in the foregoing fields, could be effectively brought to bear to administer each of these nations.[45]

In the first three of these examples, however, civilian administration either failed or was rejected during the planning processes based on past failures, and each failure was directly linked to the general inability to recruit such experts.[46] Unlike Rome, America has never developed a cadre of civilian experts in the field of foreign occupation and administration.[47] Accordingly, it has never had a ready force of such experts to dispatch to distant lands to administer occupied territories. This reality became painfully obvious subsequent to both the Spanish American War and World War I.[48] In both instances, America was unable to find civilians willing to deploy who possessed the training, experience, and administrative skills equal to the enormous tasks of post-war governance and reconstruction.[49]

The greatest post-war governance challenge in history occurred during the decade following World War II. As before, the United States was a prime player in deciding which form of governance to employ, and because of the personnel realities described above, America opted to administer post-war Germany and Japan through military government.[50]

Fortunately, many of the original discussions and decisions were captured in a number of enlightening documents.[51] These documents memorialize America's hard-learned lessons in regard to post-war administration. Although, America's leadership realized that a civilian-led administration held the potential for significant advantages, it also realized that the military could place the requisite experts, resources, and organizational skill on the ground in both Japan and Europe months and perhaps even years before the nation could deploy a comparable civilian

organization.[52] Moreover, the United States understood that even though it might train a large number of civilians in the years leading up to an allied victory, those individuals might or might not be available when needed.[53] In Iraq, the CPA often settled for civilian personnel who had very little training, experience, or knowledge regarding reconstruction or governance.[54]

Related to the availability of qualified personnel is the length of civilian tours of duty, past civilian-led administrations struggled with the problems generated by civilian duty tours that were so short as to be disruptive to institutional continuity. [55] For instance in Iraq, civilians remained in the country for tours of duty that ranged from three to six months.[56] This resulted in such a rapid rotation that key personnel barely understood their jobs, local personalities, cultural imperatives, and operational realities before it was time for them to return home.[57] This became particularly frustrating because of the complexity of the projects, which involved lengthy and challenging multinational coordination, and required daily action on the part of the Iraqi and Coalition leaders.[58]

Another very important aspect of civilian administration is the fact that it contemplates the creation of a separate line of authority, additional to the military authority that is already established and connected to the occupied territory. [59] This means that the occupying military authority must turn over functions and responsibilities to the incoming civilian administration. Moreover, it must do this at a time when there is a direct nexus between governance and ongoing military operations.[60] Accordingly, a natural friction generally develops, and is even more likely to develop if local military leaders believe that the civilian-led administration performs badly. This is because bad performance in the governance arena leads directly to a destabilization of local military operations and an immediate degradation in the local security posture.[61] The rapid turnover of personnel described above contributes to this friction, because this upsets carefully negotiated accommodations between local military and civilian leaders – subsequent groups of civilian leaders often feel no need to honor such agreements, or will do so only after they have been in country for a significant period of time.[62]

As America considered the question of whether to employ civilian administration in post-war Europe and Japan, it reviewed the impact of this dual line of authority in previous civilian-administered territories.[63] In doing so, it found that its experiences in the Philippines and during the previous year (1942-43) in North Africa argued powerfully against the use of a civilian-led organization, while the military was still engaged in significant offensive operations.[64] Interestingly, America had learned the same lessons that Rome had first learned more than two thousand years earlier. In fact, it is this line of events, coupled with a careful review of history and associated analysis of the situation in Europe and Japan that finally convinced President

Franklin D. Roosevelt that he should employ military governance in post-war Europe and Japan, and not the civilian-led administration concept that he initially favored.[65] In short, Roosevelt decided that the need for rapid progress, the elimination of unnecessary friction, and the services of an organization with a known capability and structure made military governance a superior choice over a civilian-led organization.[66]

America struggled with this same decision in 2002, as it planned the post-war administration of Iraq, and decided to charter a civilian-led administration for many of the traditional reasons cited above.[67] Unfortunately, a number of the traditional negative aspects of civilian administration soon developed.   First, the United States and other Coalition nations were unable to recruit the number of qualified people necessary to fill the ranks of either of the civilian-led organizations that it commissioned in Iraq (ORHA and CPA).[68] History then repeated itself, and friction developed between the civilian-led administrators and the military, that was forced (especially in the first six months after major hostilities ended) to provide the bulk of true governance in Iraq.[69]

To summarize, the potential advantages of civilian administration are that it should cost less to fund and support, it draws upon a wider base of academic and professional expertise, and it should generate less animosity between itself and the occupied population, thereby reducing the possibility of armed or other forms of resistance. Unfortunately, both historical and recent civilian administrations have demonstrated that these latent advantages seldom materialize.

Military Government

Military governance is defined as administration of occupied territory by placing that territory "under the authority of an [occupying] army."[70] The obligation of governance begins immediately upon the occupant's seizure of the territory. In fact, the senior military leaders who drafted the Hague Regulations understood the need for gaining immediate positive control over public order and security, and embedded these requirements in international law.[71] They integrated this requirement into the law because of the historical post-war requirement for occupants to rapidly restore public order. Moreover, they understood the enormous importance of an early demonstration, for the benefit of the local population, of the ability to get things done and to restart the most important governmental and economic functions. They knew, based on personal experience, that occupation is a very dramatic example of the principle that first impressions are critical.[72] These men had seen first hand the chaos that ensues when a victor fails to rapidly assume control of government. Accordingly, they sought to codify the need for

the victor (or liberator) to rapidly and effectively seize control of local security and government functions in order to prevent looting, widespread criminal activities, and the prospect of insurgency.[73]

Like civilian administration, military government has distinct advantages and disadvantages. The most significant advantage is the ability of a military organization to rapidly plan for and then execute post-war military government operations.[74] Some might argue in regard to the quality of the various functions of military government, but few could effectively argue that the military, given adequate planning time, does not have the capability to place the requisite personnel and equipment on the ground to begin immediate governance functions.[75] Accordingly, military government offers the capacity to win early popular support by providing essential public services and governmental solutions to basic problems. Additionally, it simultaneously improves the security situation by reducing the number of dissatisfied citizens who might otherwise join organizations that employ violence against either the occupying forces or the members of any nascent host nation government established by the occupying forces.[76]

Closely connected to the military's ability to rapidly initiate military government functions, is another important advantage, the immediate availability of highly professional personnel (able to serve much longer tours than civilians). Within the United States military, this advantage is more pronounced than ever before given the highly educated and diverse backgrounds of both contemporary officers and noncommissioned officers.

A third advantage is the command and control capability that the military brings to any challenge. The typical American military unit, complete with a capable and highly educated staff, is already operating as a cohesive team under the leadership of an experienced and result-oriented commander. A military unit arrives on the scene or accepts new missions with a pre-determined chain of command and organizational structure. The military does not waste energy or intellectual capital arguing or fighting over who is in charge of what missions. These things are determined by a higher headquarters that carefully establishes the chain of command and the various command relationships within the operational plan and resulting order. Accordingly, the members of a military team arrive in the operational setting, with a plan, with a clearly designated chain of command, and with pre-determined tasks and responsibilities.[77]

America's mature civil affairs capability offers an additional advantage to military government. The United States' land forces have a built-in civil affairs capability that has evolved since its rapid growth and reorganization during World War II. Although, at various times during the past sixty years, this capability has atrophied, it is nonetheless an organic capability, supported by excellent doctrine, and based on the successful military governments

operated in post-World War II Japan and Germany.[78] Moreover, it has received repeated use during the stability and support operations of the past two decades.[79]

Another significant recent personnel enhancement is the growth of the Judge Advocate General's Corps during the past four decades. During World War II, a division-sized element in the United States Army might have one assigned judge advocate.[80] In 2003, the 101st Airborne Division (Air Assault) arrived in Iraq with over seventy lawyers and paralegals (this number grew to over ninety before the Division redeployed). All of these legal experts had significant training in occupation law and civil administration. Consequently, they were able to immediately begin work to stand up the judicial system, help plan and orchestrate elections, serve as advisors to provincial leaders in matters of governance and reconstruction (advising them in regard to bringing in new investors, contractors, and electrical power), and serve as liaisons to dozens of nongovernmental organizations that helped solve all manner of associated problems.[81]

Military government also integrates the governance and security functions into a single line of authority. This prevents duplication of function and eliminates the natural friction that tends to develop between a civilian administrator and military leaders. Additionally, the key leaders within a military organization are not likely to frequently rotate in and out of the occupied territory. This fosters continuity of method and procedure.

Military government typically springs from the existing military leadership in control of enemy territory. In some cases this might prove to be a disadvantage (especially where the military is conceptually connected to local civilian deaths and destruction), however, in cases where the military liberates the population, the relationships and contacts that military leaders forge tend to provide them a substantial advantage in rapidly resetting the local government and essential services.[82]

Military personnel who have spent time operating in a particular area also benefit from their knowledge of the area, their appreciation for the status of its key infrastructure, and their understanding of the capabilities and character of local personalities. Newcomers to a foreign land must overcome language, culture, and custom, not to mention the complex relationships and agendas in orbit around families, religious, and ethnic sects. The advantage that military operators typically have over civilian administrators is that they have been focused on these issues for months, sometimes years before their civilian counterparts first become acquainted with them.[83]

To summarize, military governments typically offer the consolidation of security and reconstructive planning and execution, a single line of authority, superior manning, a growing number of highly trained civil administration experts, a superior grasp of the terrain and those

that live on it, all harnessed by highly proficient leadership. Balanced against these advantages, is the probability that the youth and inexperience of some officers and soldiers will degrade the overall effort.

Future Operations: Military Government or Civilian Administration?

Given the characteristics of both forms of post-war administration and an entire universe of potential environmental circumstances, it would be a fairly simple matter to find any number of settings where each might be the clear choice. Perhaps, the answer is just that simple. Maybe it all depends upon the context in which the decision is made; the right choice simply depends upon the specific strategic environment and the geographical and cultural setting that makes up that context. Admittedly, there is much truth to this assertion; I submit, however, we can develop a more useful conclusion that will inform superior future strategic decisions.

The best route to such a solution is to forecast the probable operational environments in which the United States, most likely in the lead of a coalition, will find itself in the immediate and mid-term future. This includes an analysis of the geography, culture, history, and the political context of the most probable post-war administration settings. Next, we must consider the most probable sources of national power that we will bring to bear in order to pursue our national interests and associated objectives. This includes a realistic analysis of which form of post-war administration would make for the best platform to effectively apply the relevant sources of power. Finally, we must carefully weigh the interests, mood, and stamina of the American public and our allies. An option that fails to produce rapid effects, even if it is the best long-term option, will likely lead to strategic failure if American and International public support (not to mention the occupied state's public) is not nurtured by rapid, visible results.

Although the determination of where we might execute post-war operations is subject to predictive analysis, it is not really necessary to perform this inquiry. Based on the United States' experience with post-war operations, we know that the same conditions have repeatedly presented themselves.[84] For instance, we know that the vast majority of these operations occur in underdeveloped nations. We also know that in underdeveloped nations many of these conditions are magnified. In 2002, we ignored this basic reality in the planning for post-war operations in Iraq.[85] We made an assumption that existing organic Iraqi governance and governmental institutions would remain in place, even as we replaced the regime.[86] A more careful examination of the culture, the region, and our own experience with underdeveloped nations (for essential purposes, thirty years of Ba'athist rule had transformed Iraq into an under-

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developed nation) would have revealed that there was never much doubt that the government apparatus would disintegrate.[87]

We can integrate an assumption into our analysis, which specifies that most post-war occupation operations will involve a nation-state whose government and infrastructure will require a significant amount of reconstruction. We can also assume that this will be a need that manifests itself immediately after the United States and its allies gain control of such a state's territory.[88] Finally, we can assume that our failure to immediately react to and successfully deal with this need will threaten our long-term operational success in that state, and will also result in America's expenditure of a great deal more money and time to achieve the strategic objectives that dictated its presence in the that state in the first instance.[89] Obviously, this last assumption has a decidedly negative impact on the popular support mentioned above. Moreover, it is even more troubling because both our recent and historical experiences indicate that the assumption is valid.

Given these realities, the United States must select a post-war administration option with the capacity for rapid reconstruction of essential infrastructure. It must also possess the capacity to provide for the immediate initiation of basic governmental functions. The importance of both of these requirements is underscored by America's experience during the first six months of civilian administration in Iraq. The Coalition found that its failure to provide electrical power, water, heating and motor fuels, and trash removal resulted in an immediate loss of confidence by the Iraqi people, which was followed quickly by their suspicion of American motives, and thereafter, a general unwillingness to support the Coalition's reconstructive efforts.[90] Similarly, the Coalition's failure to rapidly jump start the policing and court functions magnified and then accelerated this problem.

Within the United States' experience, only military government has historically proven its capacity to deliver the rapid progress described above.[91] Military forces, with an impressive and expanding ability to perform these tasks, can deploy to the right places faster and can bring greater efficiency and organization talent to bear than even the best realistically available forms of civilian administration.[92] This is true despite the fact that civilian experts from the United States and its potential coalition partners might possess greater knowledge, education, or experience in governance and any number of technical areas necessary to rebuild an occupied state.[93]

In the very early stages of post-war administration, having a large number of trained military experts is better than having a vastly smaller number of "potentially" more experienced and even better trained civilian experts.[94] The past has demonstrated that opportunities for

rapid gains disappear quickly; speed and immediate organization efficiency are absolutely essential to exploit these early opportunities.[95] Military government offers both speed and organizational efficiency, while civilian administration offers neither.[96]

Two other historically proven realities support the foregoing rule. First, even if civilian experts are superior to their military counter-parts, past experience has demonstrated the improbability of gaining the long-term services of such civilian experts.[97] Second, civilian experts, who are willing to provide their services, can do so in an advisory role within a military government context, as was done in the post-World War II military governments (especially with modern telecommunications).[98] This allows for the advantages of military government, while leveraging the huge reservoir of civilian expertise, without the problems of civilian administration.

Another intuitive benefit of a civilian-led administration is the potential it might offer to set the softer tone of liberator, as opposed to the harsher tone of conqueror and occupier.[99] Most commentators would simply stipulate that a civilian administration does offer this immediate advantage. They would, however, hasten to point out that if it then fails to produce the same rapid results described above, any gain it might have made based upon its softer image will soon be lost.[100] In fact, an unintended consequence of framing such an operation as a humanitarian intervention devoted to the liberation of an oppressed people is that removing the oppressive regime is merely the first, and frankly, the easiest step in such a process. Additionally, if the post-war administration fails to make rapid gains, this frequently creates the perception that the administration has actually worsened the population's general condition, which then generates animosity, confusion, and chaos. The confusion and chaos soon leads to distrust and lack of support. Additionally, as the international community and the American public look on, they also lose confidence and ultimately withdraw their support. If this process is not reversed, the entire effort is doomed. The rapidity and organization efficiency of military government reduces this risk.

The fresh perspective and multi-dimensional approach that a civilian administrator and his team might bring to the task is another realistic advantage of civilian administration. This is not to say that the highly educated, versatile, and imaginative leaders and soldiers of the military would not bring their own genius to the process, but it is to say that there is a strong likelihood that much would be gained from highly educated and experienced civilian experts. Unfortunately, this gain is outweighed by several offsetting negative factors. First, the presence of a civilian administrator, such as L. Paul Bremer, who led the Coalition Provisional Authority, creates the dual-line of authority described earlier in this paper.

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History proves that two sources of authority in a post-war administration setting have a devastating impact on successful post-war operations. In the case of Bremer, this was true even though he was a talented administrator, who was cognizant of the risk of even the perception of a conflict of authority between himself and the military leadership in Iraq. Rome learned this lesson thousands of years ago and developed the rule that it would not dispatch a civilian proconsul until the military threat had been extinguished. In Iraq, as with other recent American experiences with civilian-led administration, the military threat was not removed before a civilian administrator was placed in charge. Accordingly, the senior military leadership remained in the occupied state to deal with this threat. The dual-line of authority resulted in conflict, confusion, and redundant bureaucracy.

<u>Conclusion</u>

In the aftermath of World War II, America tackled the greatest post-war administration challenges in history. Because of the enormity of these operations, there were many unanticipated problems that occurred throughout the entire effort. Despite these problems, however, the Marshall Plan for the reconstruction of our war-time enemies was a tremendous success. The primary reason for this success is that President Roosevelt decided to utilize military governments to administer these occupied states during the critical first year of post-war reconstruction, making a deliberate decision to not use civilian-led administration. Simply put, military government has been repeatedly tested and found to be effective.

Those that have studied these efforts point to several factors for this success. First, America's version of military government, for all its apparent disadvantages, generally works exceedingly well, because many of these disadvantages simply never materialize. Second, the skill and efficiency of military leaders and their planning staffs is so exceptional, they think their way around problems and setbacks. Third, the American military's attitude of encouraging initiative at all levels and the quality of American soldiers has resulted in an uncanny ability to get things done. Fourth, the training and preparation expended to prepare for these post-war missions provides the Army with a huge head start, which pays big dividends. Fifth, successful military governments were permitted to remain in charge, under the direction of the Department of War, until the entire range of military threats had been removed. This reduced confusion and eliminated the friction that dual-lines of authority generate. Finally, much of the military force structure needed to conduct military government was already on the ground, which provided for an immediate understanding of the terrain, cultural dynamics, tools and assets that would be available, and the nature of the challenges that it would need to overcome.

In contrast, America decided to run the post-war administration of the Philippines (1898 - 1907), Northern Africa (1943 -1944), and Iraq (2003 - 2004), through civilian-led organizations. In all three cases, these administrations were rife with all manner of problems. Additionally, in all three cases, the degree of inefficiency, initial glacial rate of progress, and friction between military leaders and civilian organizations led to a perception of chaos and vulnerability. Consequently, opportunistic groups leveraged this perception to recruit and incite citizens who felt they had become disenfranchised to use violent methods to achieve their goals. This development deepened the perception of American ineptitude. In all three operations, the situation grew worse, became fantastically expensive, and eroded the American public's confidence in the outcome.

Early in the last century we concluded, as did the Romans before us, that during the initial period of occupation, the military must remain in charge of post-war administration. We also learned that the military should remain in charge until systems are in place and until organized armed threats have been entirely removed. Unfortunately, it appears that we forgot these lessons and their associated millennia-old principles during the planning for post-war operations in Iraq. The nation cannot afford similar cases of strategic amnesia during the planning of future post-war operations. Civilian-led administration in Iraq was a serious mistake that could have been avoided. We must ensure that our strategic doctrine memorializes not just the fact that we made this error, but also the conditions that set the stage for the error. It is difficult to imagine a future set of circumstances that would argue in favor of civilian administration in light of what we have learned from our distant and not so distant history.

Endnotes

[1] U.S. Marine Corps, *Small Wars (Draft),* January 2004, 4. Interested observers of recent events in both Afghanistan and Iraq have noted the imperative nature of the stability phase. Success in the stability and/or occupation phase is so important that drafters of doctrine within the American military community are beginning to assert that success in this phase takes priority over even the primary combat phase that precedes it – referring to it as the new "decisive phase" in modern warfare.

[2] I have intentionally limited the application of my thesis to the "initial" period of occupation, in recognition that many of the advantages of military government expire as time progresses. The Department of War learned this lesson late in the nineteenth century after the Spanish American War, and applied the lesson after World War II, as it deliberately shifted control and ownership of post-war operations to the Department of State after the passage of a little more than a year in Europe. Harry L. Coles and Albert K. Weinberg, *United States Army In World War II, Special Studies, Civil Affairs: Soldiers Become Governors* (Washington, D.C.: Office of the Chief of Military History, 1964), 142-153.

[3] Message, 192000Z March 2003, Commander, Coalition Forces land Component Command, subject: COMCFLCC Sends.

[4] President George W. Bush, "President Bush Announces Major Combat Operations in Iraq Have Ended,"1May 2003; linked from *The White House Home Page* at "Renewal in Iraq," available from http://www.whitehouse.gov/news/releases/2003/05/iraq/20030501-15.html; Internet; accessed 28 October 2005.

[5] Ibid. The sense that America would quickly and effectively help Iraq rebuild their government and effect a rapid exit from Iraq was a not so subliminal aspect of President Bush's 1 May 2003, announcement of the end of major combat operations, as he thanked America's Armed Forces for "a job well done," and reminded the world that unlike other "nations in history that have fought in foreign lands and remained to occupy and exploit," we "want nothing more than to return home . . . . [a]nd that is [our] direction tonight." L. Paul Bremer, III, *My Year in Iraq, The Struggle to Build a Future of Hope* (New York, Simon and Schuster, 2006), 12. Bremer asserted that many officials "thought we could get away with a short occupation and quickly turn full authority over to a group of selected Iraqi exiles." He explained that this optimism was based upon advice from those same Iraqi exiles and partly by early military successes that reinforced some of the early predictions by senior officials. He went on to note that contrary to these overly optimistic projections, he felt that this would be a long and difficult job, and that he was particularly wary of the Rand Corporation report that articulated a requirement for nearly three times the number of troops (500,000) that the Coalition had on the ground in Iraq.

[6] Larry Diamond, *Squandered Victory – The American Occupation and the Bungled Effort to Bring Democracy to Iraq* (New York, Times Books, 2005), 29, 281-284. Diamond provided a poignant and detailed explanation of the overconfidence shared at the highest levels of government in regard to how rapidly and easily the reconstruction of Iraq would progress once the shooting was over. Most troubling was the systematic disregard for any voice, no matter how respected or expert, that articulated an argument for the potentiality of a more time-consuming or vexing path to reconstruction and transition. Diamond cites the eventual acknowledgement made by Deputy Secretary of Defense Paul Wolfowitz, that the "Pentagon had underestimated the tenacity of the resistance in Iraq." Diamond further asserts that this sense of over confidence and underestimation of the scope and complexity of the occupation challenge is underscored by the failure of the President to demand a clear post-conflict plan as President Franklin D. Roosevelt had done during World War II. While senior uniformed officers respectfully suggested that occupation would require substantial time, personnel, and planning, the Administration ignored this advice and simply failed to make the required decisions. *See* Dr. Condoleeza Rice, "Dr. Condoleeza Rice Discusses Iraq Reconstruction," 4 April 2003; available from http://whitehouse.gov/news/releases/2003/04/20030404-12.html; Internet; accessed 28 October 2005. On 4 April 2003, then National Security Advisor, Dr. Condoleeza Rice conducted a press briefing, wherein, she explained how the Office of Reconstruction and Humanitarian Assistance (ORHA) would rapidly help Iraqis "restore the delivery of basic services," and work to quickly normalize life for the common man of Iraq. Once that was accomplished, she went on to explain that government function would be turned over to Iraqi leaders, and ORHA would then step into an advisory role. The clear theme of her message was that although there were many uncertainties in Iraq, the Coalition's post conflict role would be limited and brief. There were a number of experts that asserted that this process would take a long time and that it would be complex, expensive, and extremely difficult. The voice of these experts, however, never received the amplification necessary for their thoughts and ideas to get serious consideration.

See Conrad Crane and Andrew Terrill, *Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces in a Conflict Scenario*, U.S. Army War College, Strategic Studies Institute, February 2003. Even Ambassador Bremer's account of his first several weeks preparing for his job as the Administrator reinforces the notion that those at the highest levels of government had no real idea of the nature, scope, or the required time reconstruction might require in Iraq, and some even admitted it. *See* Bremer, 14-19.

[7] Among military leaders already involved in maintaining security and civil order in Iraq there was never any doubt that the administration of post-war Iraq would not be simple. In fact, there was a clear belief that what military planners referred to as Phase IV Operations (post-war administration) would be enormously difficult. General Tommy Franks, Commander in Chief of United States Central Command (the United States combatant command in charge of the operation), realized that Jay Garner would have a very difficult job, as he was "handicapped" by starting well behind the planning curve. Tommy Franks, *American Soldier* (New York: HarperCollins Books, 2004), 524-525. Military leaders also understood that rapid and obvious progress would be enormously important, if we were to gain the confidence of the Iraqi people. Colonel Marc Warren, Staff Judge Advocate, V Corps, United States Army, conversation with the author, 14 March 2003, Camp Virginia, Kuwait. A week before ground operations commenced, I traveled to Camp Virginia to speak to Colonel Marc Warren, in my role as the Deputy Staff Judge Advocate for the 101st Airborne Division (Air Assault), to request guidance on the post-conflict administration of Iraq. Colonel Warren provided assurances that the Army was working on a plan, but at this juncture no plan had been passed down to his level. Colonel Warren explained that leaders, planners, especially senior judge advocates were very concerned about this issue and that they understood the complexities facing subordinate leaders chartered with the security and administration of Iraq as combat operations terminated. Karl M. Goetzke, *My Service as Staff Judge Advocate, Third Army, During Operation Iraqi Freedom*, USAWC Personal Experience Monograph (Carlisle Barracks: U.S. Army War College, undated), 13-14. Colonel Goetzke described the frustration he and other judge advocates experienced as they tried to gain information and planning products regarding future occupation tasks in Iraq, after combat operations ceased. He described his sense that the Coalition was hoping for the best, and not preparing for the worse in regard to "Phase IV Operations" (post-conflict operations).

[8] President George W. Bush, "President Bush Discusses Progress in Iraq," 23 July 2003; linked from *The White House Home Page* at "Renewal in Iraq," available from http://www. Whitehouse.gov/news/releases/2003/07/print/20030723-1.html; Internet; accessed 28 October 2005. Upon the announcement of the elimination of Saddam's two sons, President Bush recounted the many challenges faced by the Coalition Provisional Authority and Coalition Forces in Iraq, to include the "holdouts that are trying to prevent the advance of order and freedom." He called for "sustained commitment by the American people and her allies to the ambitious" plan to rebuild Iraq. The President's speech, although optimistic, described the job ahead in Iraq in categorically different terms than he had done in May 2003. It is clear that his understanding of the challenges of administering a post-war Iraq had improved over the course of the two intervening months.

[9] Walter Slocombe, "Rumsfeld's War," interview by un-named Frontline reporter, Frontline, 26 October 2004, available from http://www.pbs.org/wgbh/pages/frontline/shows/pentagon interviews/slocombe.html; Internet; accessed 16 December 2005. Slocombe, formerly the Under-secretary of Defense for Policy, and Director of National Security and Defense for the Coalition Provisional Authority, explained that although the Secretary of Defense and his

advisors felt that their would be "problems" in post-war Iraq, they failed to grasp the magnitude of the challenge of a security apparatus that simply vanished (he was careful to repeatedly note that the Coalition did not dismantle the Army, as there was truly no army to dismantle). He pointed out that planners failed to appreciate the risk of failing infrastructure and the absence of key Iraqi governance functionality.

[10] Ambassador L. Paul Bremer, civilian Administrator of Iraq, became frustrated early on with the sense he got that "some folks in Washington underestimated the complexity of the challenge and thought we could solve all our problems by simply transferring authority immediately to the Iraqi Governing Council." *See* Bremer, 117. Although the Coalition correctly estimated that the war would generate very little "war damage," they were slow to appreciate the full extent of deterioration produced by nearly thirty years of neglect by Saddam Hussein's regime. In turn, the Coalition was slow to understand the sheer magnitude of the required reconstruction effort, and that whatever organization was placed in charge of this job would need to be manned by a group of experienced, result-oriented professionals, who worked within an efficient organization that could achieve rapid progress before the opportunities for success evaporated. *See* Coalition Provisional Authority's Iraqi Infrastructure Reconstruction Office, "Coalition Provisional Authority's Iraqi Infrastructure Reconstruction Office Industry Day Conference Program," available from http://www.globalsecurity.org/wmd/library/news/iraq/2003/11/iraqconference.pdf; Internet; accessed 12 December 2005.

[11] There are numerous references to senior leaders making comments that indicate they did not anticipate conditions that would give rise to an insurgency. One such comment was made by Secretary of Defense Rumsfeld when he admitted it was not until July 2003 that he bothered to personally look up the definition of insurgency in the Department of Defense Dictionary. *See* David L. Phillips, *Losing Iraq, Inside the Postwar Reconstruction Fiasco* (New York, Westview Press, 2005), 158.

[12] Diamond, 27-33. Diamond recounts how senior officials, to include General (Retired) Jay Garner, of ORHA, asserted that the process would be concluded in a matter of months. The more telling statements were made by senior military officers that were placed in a position to deal with the negative consequences of a decision to put 400,000 former soldiers out of work, without pay. This decision "affected the lives of 2.4 million people . . . 10 percent of Iraq's population," when the families of the soldiers are taken into account. David Phillips describes comments made by Major General John R.S. Batiste, Commander of the 1st Infantry Division, and by Brigadier General Carter Hamm, Commander of Task Force Olympia (Northern Iraq). Both argued in favor of revisiting the decision so that the Coalition might regain the services of many "very good, courageous, and determined people." Others continue to question decisions that seemingly forced these capable and trained professionals out of the Coalition camp and into the Insurgent's camp. Phillips, 151-152, and 155.

[13] Eric Schmitt, "Pentagon Contradicts General on Iraq Occupation Force's Size," *New York Times*, 28 February 2003 [newspaper on-line]; available from http://www.globalpolicy.org/security/issues/iraq/attack/consequences/2003/0228pentagoncontra.htm ; Internet; accessed 18 December 2005. This article describes the testimony of Deputy Secretary of Defense Paul D. Wolfowitz, before the House Budge Committee, as he refuted the force estimates of Army Chief of Staff, General Eric Shinseki. Wolfowitz testified that Shinseki's estimate that "several hundred thousand troops" would be required to administer post-war Iraq was "wildly off the mark." He explained that a much smaller number of troops would be necessary because a number of factors would make this job much easier than it might otherwise be.

[14] John Barry and Evan Thomas, "The Unbuilding of Iraq," 1 October 2003; available from http://truthout.org/docs_03/100203H.shtml; Internet; accessed 12 December 2005. There are numerous sources that indicate that a significant difference of opinion existed as to the size of the post-war job of administering Iraq. The battle lines appear to have been drawn primarily between the United States Department of State and the Office of the Secretary of Defense (OSD), with OSD arguing that the post-war job would not be near as difficult or labor intensive as the State Department envisioned.

[15] U.S. Department of the Army, *Legal Lessons Learned From Afghanistan and Iraq – Volume I*, *Major Combat Operations (11 September 2001 to 1 May 2003)*, Center for Law and Military Operations Publication (Charlottesville, Virginia: U.S. Department of the Army, 1 August 2004), 28-29.

[16] Lieutenant Colonel Susan Arnold, Liaison Officer to ORHA and CPA, 101st Airborne Division (Air Assault), U.S. Army, electronic interview by author, 1 November 2005. Arnold, who was assigned to Garner's organization shortly after his arrival in country, as a liaison officer, describes ORHA's inability to get things done, because of severe manning shortfalls, lack of connectivity to tactical military commanders, and great difficulty solving even minor logistical problems. This resulted in ORHA becoming "palace centric," a term used in Iraq to describe organizations that hold up in one of the prior regime's many palaces and fail to get out and make a difference. Ambassador Bremer echoes Arnold's observations, stating that "Garner and ORHA found themselves orphans, thrust into responsibilities they had never anticipated, and without sufficient resources, whether human or financial." *See* Bremer, 26.

[17] Franks, 532. General Franks presented a different picture, explaining that everyone viewed Garner's job as temporary in nature from the start. This explanation, however, is at significant odds with what at least one officer witnessed. *See* Arnold Interview. Lieutenant Colonel Arnold, who was working within ORHA, has an entirely different recollection from General Franks. She states that, "I am here to tell you that the ORHA-N office found out about the Bremer addition from Internet news." She went on to explain that although Garner did not think he would be in Iraq for the long-term, he never imagined that he would lose his job as quickly as he did, nor under the circumstances in which he found out that he was being replaced by Bremer. Based on her comments, it is obvious that things did not go as the national leadership imagined they would go, and the confusion and rapid transition between ORHA and CPA demonstrate this point.

[18] Bremer, 117.

[19] I assumed responsibilities as the Staff Judge Advocate of the 101st Airborne Division (Air Assault), on 30 June 2003, and took the lead in a number of economic and governance initiatives in Northern Iraq. In this capacity, I worked hard to coordinate our efforts with CPA personnel in Baghdad. CPA's personnel problems, both in qualitative and quantitative terms, repeatedly delayed our progress. I found CPA personnel to be hard-working and universally dedicated. Unfortunately, many positions were simply never filled, and many individuals working in such vital areas as the Ministries of Oil, Industries and Electricity had very little practical or professional knowledge of these functional areas.

[20] General Petraeus has since been promoted to Lieutenant General.

[21] Richard O. Hatch, "A Year of De-Ba'athification in Post-Conflict Iraq: Time for Mid-Course Corrections and a Long-Term Strategy," *Journal of Human Rights,* Vol. 4, No. 1 (March 2005): 103-110. Hatch, who was present during the first several months of the Division's operations in northern Iraq, explains how favorably the citizens of Mosul and outlying areas reacted to results, and how failure to make progress, frequently as a result of CPA-imposed bureaucracy, resulted in the opposite reaction on the part of the local populace.

[22] A Historic Review of CPA Accomplishments, undated, linked from The Coalition Provisional Authority Home Page at "An Historic Review of CPA Accomplishments," available from http://www.cpa-iraq.org/; Internet; accessed 31 October 2005. CPA's slow start is evident even in its own public webpage. The historical review of its accomplishments provides 64 pages of notable events and milestones. More than ninety-five percent of which occurred after April 2004, almost nine months after CPA began formal operations. Those that have studied CPA's initial progress seem to universally make assertions like that of Christopher M. Schnabelt, which follows (note that Schnaubelt was quoting in turn partially quoting Steven Metz and Raymond Millen): "CPA was understaffed, inadequately, prepared, late to organize, and slow to deploy, and that the interface between the U.S. military and CPA remained a persistent problem, with each grumbling that the other should be doing more to enhance stabilization." *See*, Christorpher M. Schnaubelt, After the Fight: Interagency Operations," Parameters 35 (Winter 2005-06), 49.

[23] Arnold Interview. Officers that worked on a daily basis with CPA remember the frustration on the part of hardworking CPA officials, resulting from severely understaffed sections that were unable, even working seven day weeks, to confront the many complex tasks that faced corporate CPA. An obvious indication of CPA's initial failure to move forward was the decision of scores of nongovernmental organizations (NGOs) to flee Iraq, because of the chaos and the crumbling security situation.

[24] Diamond, 25-26. The author provided the statistics from a Gallop Poll that was conducted during his time in Iraq, which reveals that the same Iraqis that once had tremendous confidence in their American liberators came to view them with scorn and suspicion. Only one percent of those polled believed that America's prime motivation was "to establish democracy in Iraq." In fact, the majority came to believe that America came to rob Iraq of its oil and other precious resources.

[25] Sidqi Bradosti, Son of Kurdish Chieftain Khan Bradosti, telephone interview by author, 17 December 2005. Bradosti, son of one of the most influential leaders in Kurdishstan, reaffirmed what he and others (Kurds and Arabs) had frequently explained to members of the American military during late 2003 and early 2004, when he stated "that Iraqis believe that Americans could achieve any result that they desire." Accordingly, if they failed to "rapidly rebuild Iraq's infrastructure and to place Iraqis back in charge of their own destiny, this omission must be based upon their design." He was quick to explain that neither he nor his father personally believed this to be true, because they had witnessed how hard Americans were trying to rebuild Iraq, but he had a difficult time convincing other Iraqis "that America's motives were pure."

[26] COL Richard O. Hatch, Former Staff Judge Advocate, 101st Airborne Division (Air Assault), electronic interview by author, 5 February 2006. Colonel Richard O. Hatch, the Staff Judge Advocate of the 101st Airborne Division during the first four months of the Division's deployment to Iraq asserts this understanding was the underlying principle that drove many of the Division's early efforts to put citizens back to work, hold immediate elections, fix public

infrastructure, and establish a sense of forward movement that every Iraqi citizen might share in. He explained that "we had to buy time with the "fence sitters" in order to plan for the execution of longer-term reforms and improvements . . . the way to do that was to make them believe that they were better off today than they were yesterday and better off now than they were under the former regime."

[27] Diamond., 281-284.

[28] Dahr Jamail, "Collective Punishment," 17 January 2005; available from http://www. countercurrents.org/iraq-jamail170105.htm; Internet; accessed 23 February 2006.

[29] Ibid., 34. Diamond also points out that distinguished Iraqi leaders tried to explain this dynamic to American leaders early on in the process, beginning even while Lieutenant General (Retired) Jay Garner was still in Iraq.

[30] Eric Carlton, *Occupation* (Savage, Maryland: Barnes and Noble Books, 1992), 22-29.

[31] Ibid.

[32] Ibid.

[33] Ibid., 26-29. Carlton describes an interesting causative question regarding the Roman Empire; the Empire was forced to expand to feed its growing appetites for food, raw materials, and revenue. Conquered states and territories became provinces that provided these things, however, if improperly administered, the provincial populations tended to generate problems that required a much larger military presence.

[34] Thomas H. Watkins, "Military Occupation of the Middle and Lower Danube Valley in the Late Republic and Early Empire to the end of the Flavian Period (A.D. 96)," 3 December 2005; available from http://www.roman-emperors.org/wardoc.htm ; Internet; accessed 9 December 2005.

[35] Carlton, 22-29.

[36] *Wikipedia Encyclopedia*, "Roman Britain," available from http://en.wikipedia.org/wiki/ Roman_Britain; Internet; accessed 4 December 2005. The movement of civilian leaders and administrative staffs across great distances, even to outpost provinces such as Britain, speaks to the importance of emplacing political leaders, loyal to the emperor, as pro-consuls.

[37] Ibid.

[38] Ibid.

[39] Coles and Weinberg, 15-16.

[40] Juan Cole, "Rebuilding Shakeup," interview by Qwen Ifill, Online Newshour, Public Broadcasting System, 12 May 2003, linked from PBS Home Page, at "Online Newshour," available from http://www.pbs.org/newshour/bb/middle_east/jan-june03/bremer_05-12.html; Internet; accessed 13 December 2005. Professor Cole, University of Michigan expert on Islam,

asserted that a military led organization, even one led by a former military officer would "provide an unsuitable symbol for the reconstruction of Iraq."

[41] Coles and Weinberg, 9-1.

[42] Robert Wolfe, ed., *Americans as Proconsuls – United States Military Government in Germany and Japan*, 1944-1952 (Carbondale, Southern Illinois University Press, 1984), 188-91 and 218-225. There is ample evidence of the problems that even the well-resourced military governments following World War II experienced. Even the initial decisions to purge members of the former Nazi party and the Imperial Japanese military from governmental positions was revisited after a brief period of time, in order to get the best qualified administrators back in the business of running the government.

[43] Cole and Weinberg, 340-345.

[44] Ibid., 15-18.

[45] Wolfe, 92-101. This assumption was dropped in face of overwhelming evidence to the contrary, leading to the presidential decision to use military government for at least the first year of post-war administration. The proposal to transition to a civilian-led (with the State Department in the lead) administration was adopted, but only after the military government had completed its initial and mid-term goals. In the interim, the military government removed all organized military threats, and re-established all basic essential services and governmental functions.

[46] Cole and Weinberg, 6-21.

[47] Phillips, 126-131. Phillips describes the intense challenge faced Jay Garner to fill his ranks with qualified experts on Iraq and the various disciplines necessary to rebuild Iraq – a challenge he failed to meet. After taking note that "all the civilians in Baghdad are volunteers," Ambassador Bremer made numerous references to how CPA was "stretched thin," and how his overworked staff struggled to keep pace with the sheer number and multitude of tasks that had to be rapidly accomplished in order to turn governance back over to the Iraqis. Both ORHA and CPA suffered from same staffing problems that traditionally plague civilian-led administrations, it is simply hard to find a large cadre of well-qualified personnel willing to deploy to a dangerous and difficult location. *See* Bremer, 7-10, 106.

[48] Norman Cameron, "The U.S. Military Occupation of Bohol, Philippines, 1900 -1902," linked from Special Collections Library: Duke University, available from http://scriptorium.lib.duke.edu/scriven/bohol-history.html; Internet; accessed 13 December 2005. Cameron describes the difficulty that the military had maintaining security because of the failed civilian-led administration in terms of near total chaos. Fred Kaplan, "From Baghdad to Manila, Another Lousy Analogy for the Occupation of Iraq," 21 October 2003, available from http://www.slate.com/id/2090114/; Internet; accessed 13 December 2005.

[49] Ibid. Cameron describes the willingness of large numbers of untrained and inexperienced Americans that were more than willing to sail to the Philippines looking for pay and adventure, but the nation had a great deal of trouble harnessing talented and educated Americans that could have made a real difference in the nation's effort to govern and educate the Philippine populace. The Coalition Provisional Authority experienced the same problem in

2003 and 2004, it was never able to fill its ranks with the number of qualified civilian personnel that it required to execute the mission. *See* Arnold Interview.

[50] Coles and Weinberg, 15-17. In 1941, the United States Army Judge Advocate General, Major General Allen W. Gullion (who at the time occupied the positions of Judge Advocate General and Provost Marshal General), commissioned a study into the most effective manner of post war administration. He became convinced that the lessons of the American Civil War, the Spanish-American War, and World War I argued powerfully in favor of military governance. Accordingly, he sponsored a series of memorandums and meetings to persuade the Secretary of War to (1) support a recommendation for military government over civilian government and to (2) begin training officers and soldiers to perform the numerous tasks required for successful military government. He was successful on both counts.

[51] Ibid, 21-29, 64-65. The Army did a splendid job of memorializing the players, discussions, key documents, and rationales that resulted in the decision to administer Germany and Japan by military government. Of note is the fact that President Roosevelt was initially very much against the use of military government, based on his original assumption that some form of civilian administration would be superior. In fact, he directed the Secretary of State to look into the possibility of training and preparing "civilian personnel for nonmilitary overseas service."

[52] Barry and Thomas. ORHA, the initial effort at civilian administration in Iraq, was nearly paralyzed by the same problems that had crippled American civilian administration in the previous wars in which America chose that option; lack of preparation, the general inability to fill positions with qualified personnel that were also politically acceptable, and massive internal organizational challenges.

[53] Coles and Weinberg, 21-29.

[54] Peter Beinart, "Partisan Review," 28 June 2004; available from https://ssl.tnr .com/p/docsub.mhtml?i=20040628&s=trb062804; Internet; accessed 23 February 2006. Journalists frequently wrote and joked about the number of inexperienced, young CPA operatives that were neither trained nor educated in the fields that they were working in within the CPA. Although these people worked hard, they simply never caught up to their military counterparts in terms on subject matter knowledge or experience.

[55] Ibid., 108-109, 122.

[56] Colonel Kathryn R. Sommerkamp, Legal Advisor, Coalition Provisional Authority, Office of the General Counsel, electronic interview by author, 15 February 2006. Colonel Sommerkamp described the habitual problem of rotating staff, both military and civilian (the primary problem was with civilian staff). This made it difficult to establish working relationships and led to inefficiencies in accomplishing the mission. Some tours were as short as 90 days. Military staffing of the CPA was broken. Often staff arrived months after they were needed.

[57] Ibid.

[58] From June 2003 to February 2004, in my capacity as the Staff Judge Advocate of the 101st Airborne Division (Air Assault), I worked on several dozen such projects, ranging from electrical power initiatives to economic development programs. Without exception, I experienced significant problems with the absence of civilian administrators from CPA, or with

the rapid rotation of civilians through positions of substantial responsibility. I made regular trips from my headquarters in Mosul to Baghdad to meet with various CPA civilians working in Governance or the ministries of Oil, Finance, Tourism, Agriculture, Trade, and Industry. Nearly every trip was made more difficult because of CPA civilians who had either just arrived and were reluctant to make decisions because they were not yet familiar with the issues, or were reluctant to bind their replacement because they were so close to rotating out of Iraq. In many cases, civilians had redeployed back to the United States or the United Kingdom and had simply not been replaced. This slowed our ability to move programs forward, because we had to make repetitive trips to Baghdad to literally force decisions out of the civilian-led bureaucracy. This occurred not because the civilians were incompetent, but simply because they were captive to a very inefficient system.

[59] Bremer, 4, 150-151, 168-169, 183. The problems associated with dual lines of authority were expressed early and often by Bremer. In the opening pages of his book he notes his early concern in regard to the fact that he would have no authority over Coalition troops, although he had been assured that the United States Central Command would "coordinate" their operations with him. As time progressed he experienced the friction that dual lines of authority naturally generate, even when the people involved in both lines have the same desired end states and are all trying to do all the right things. The numerous friction points, which typically involved the most essential matters, impacted troop levels, property dispute resolution, getting the economy back on its feet, training Iraqi security forces, and even involved competing strategies to assist the Iraqis is erecting a government.

[60] Wolfe, 94-95. Coles and Weinberg, 15-16.

[61] Richard M. Whitaker, "Legal Operations in Northern Iraq," The American Bar Association – Public Lawyer 13 (Winter 2005), 10-15. Then-Major General (subsequently promoted to Lieutenant General) David H. Petraeus, the Commanding General of the 101st Airborne Division (Air Assault) during the Division's first deployment to Iraq, understood the very close relationship between good governance, the reliable provision of essential services, and a revived economy to the maintenance of a safe and secure environment. General Petraeus spent a tremendous amount of time and resources independently ensuring that these basic elements of post-war administration were successfully pursued in his area of operations. In many cases, this required approval from the civilian administrators of Iraq, and in some cases generated a degree of friction between the 101st Airborne Division's Staff and the civilian staff working in support of the Coalition Provisional Authority (CPA) in Baghdad. Although General Petraeus found Ambassador Bremer helpful and personally supportive of virtually every request that he made, I believe that both Ambassador Bremer and General Petraeus would agree that the challenges of CPA's inadequate manning, its slow development of real capacity (which it never achieved in outlying offices – to include the office in northern Iraq), the high turnover of CPA advisors, the difficulty in obtaining all the resources needed for nation-building missions, and the occasional lack of clarity over lines of authority made the planning and execution associated with every initiative more difficult, cumbersome, and time consuming than might have been optimal. Those working within these two dedicated and hard-working staffs would also hasten to point out that this remained true despite the universally recognized effort by all involved to reach the same positive outcomes for the Iraqi people.

[62] Sommerkamp Interview.

[63] Coles and Weinberg., 6-25.

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[64] Ibid., 65.

[65] Ibid.

[66] Ibid., 92.

[67] Slocombe. Under-secretary Slocombe explains that the Department of Defense gave the question of dual authority serious consideration and decided that it would not be a significant problem. Specifically, he asserted that as long as clear lines of responsibility and authority are specified, problems are generally avoided. He went on to describe this issue as follows:

> It was important within Iraq for there to be, at least on the civilian side, a single figure who had authority, and that was [L. Paul] Bremer. He of course had to work with military command. They didn't command him, and he didn't command them, but I think that was a pretty good working relationship, and I think it's also essential in a situation like that, where you've got a field operation, that there be only one person in Washington who actually has the authority to issue orders.

[68] Goetzke, 13-16 and 44. Within his personal experience monograph, Colonel Goetzke provided firsthand accounts of the inadequate manning of ORHA and the impact this had on its ability to achieve even limited success.

[69] "Philippines," Undated, linked from *Answers.com* at "Revolution, War, and U.S. Control," available from http://www.answers.com/topic/philippines ; Internet; accessed 13 December 2005. In many ways, what happened next in Iraq mirrored the last comprehensive American civilian administration:

> In Feb., 1899, Aguinaldo led a new revolt, this time against U.S. rule. Defeated on the battlefield, the Filipinos turned to guerrilla warfare, and their subjugation became a mammoth project for the United States—one that cost far more money and took far more lives than the Spanish-American War.

[70] *Hague Convention No. IV*, 18 October 1907, *Respecting the Laws and Customs of War on Land*, T.S. 539, art. 42.

[71] Ibid., arts. 42 and 43. The drafters of the Hague Conventions were not lawyers, nor were they politicians, nor even academics. Instead, they were senior military leaders, who had served in the previous century's wars. Major (now Lieutenant Colonel) Scott R. Morris explains the background behind the involvement of military leaders in the development of the Law of War in his comprehensive and excellent discussion of the development of early Law of War, including America's initial experience with the application of occupation law by Major General Winfield Scott, during the Mexican War of 1846, found in the December 1997 edition of the Army Lawyer. MAJ Scott R. Morris, "The Law of War, Rules by Warriors for Warriors," *The Army Lawyer* (December 1987).

[72] William Winthrop, *Military Law and Precedents, 2d Edition* (Washington, D.C.: W.H. Morrison, 1920), 774-776.

[73] U.S. Department of the Army, *The Law of Land Warfare*, Field Manual 27-10 (Washington, D.C.: U.S. Department of the Army, 18 July 1956), 139-141.

[74] Peter W. Chiarelli and Patrick R. Michaelis, "Winning the Peace: The Requirement for Full-Spectrum Operations," *US Army Combined Arms Center for Military Review* (July - August 2005): 1-3. American military leaders have a clear grasp of the imperatives for success in stability operations. They suffer not from their understanding of how to achieve success, but from the problems of starting from such a disadvantaged start point, as a result of the operational quicksand of working with a civilian led administration. Neither General Chiarelli nor Major Michaelis directly make this comment, but I believe that I fairly inferred it from the context of their article). Alwyn-Foster, Brigadier General, British Army, *Operation Iraqi Freedom Phase 4: The Watershed The US Army Still Needs to Recognize*," 1 November 2005; linked from The Small Wars Center of Excellence: United States Marine Corps Home Page at "Articles," available from http://www. smallwars.quantico.usmc.mil/ search/Articles/britishpaperonusmilin iraq.pdf; Internet; accessed 16 December 2005. I offer this view from Brigadier Alwyn-Foster, who served nearly a year in Iraq, to provide balance to the inferences that I derived from the foregoing article. Brigadier Aiwyn-Foster notes the "incredible talent, patriotism, and range of capabilities" of the American military, but balances this favorable characterization with a cautionary analysis regarding the United States Army's failure to retain control of the security posture in Iraq.

[75] Coles and Weinberg., 14-15, 82-83, and 92-93. In an exchange of memorandums between the Provost Marshall General and the Commanding General, Army Civil Affairs Division, the Army leadership rebutted a concern expressed by President Roosevelt that military officers might not be the "best men" available for the job of rebuilding Europe and Japan. The essence of the Army's argument is that it could place a large and specially trained organization on the ground in both countries as soon as such organizations might be needed. In contrast, they asserted, no one can make such a promise in regard to a civilian-based organization. President Roosevelt reversed his early preference for civilian-led administrations in Japan, Italy, and Germany by recognizing that only the military might muster the personnel to achieve the rapid progress that he knew was absolutely essential to success. From 1943 to 1947, the Department of War proved that Roosevelt's confidence in its ability to plan, man, and execute these huge post-war operations was well placed. Any serious argument that the Department of Defense could not have repeated this type of performance in Iraq should be balanced against the historical reports detailing the numerous problems that the Department of War overcame during the planning and execution phases for post-World War II military government.

[76] Lyle W. Cayce, *Liberation or Occupation? How Failure to Apply Occupation Law During Operation Iraqi Freedom Threatened U.S. Strategic Interests*, Strategy Research Project (Carlisle Barracks: U.S. Army War College, 19 March 2004), 2, 9, and 10-12. Colonel Cayce, the Staff Judge Advocate of the 3d Infantry Division during its first deployment in support of Operation Iraqi Freedom, accurately points out that the decision to not take advantage of occupation law and military government led to chaos, lack of order, and lost opportunities, which in turn led to a deterioration of the general security posture in Iraq.

[77] U.S. Department of the Army, *Operations*, Field Manual 3-0 (Washington, D.C.: U.S. Department of the Army, 14 June 2001), chap 6.

[78] U.S. Department of the Army, *Civil Affairs Operations*, Field Manual 3-57 (Washington, D.C.: U.S. Department of the Army, 11 January 1993). U.S. Department of the Army, *Legal Support to Operations*, Field Manual 1-04 (Washington, D.C.: U.S. Department of the Army, 01 March 2000).

[79] "Civil Affairs Fact Sheet," linked from *The United States Army Civil Affairs and Psychological Operations Command Home Page* at "Civil Affairs," available from http://www.soc.mil/usacapoc /civilaffairsfs.shtml; Internet; accessed 20 December 2005.

[80] Frederic L. Borch, *Judge Advocates in Combat: Army Lawyers in Military Operations from Vietnam to Haiti*. (Washington: Center of Military History, 2001).

[81] Whitaker, 10-15.

[82] David H. Petraeus, "*Area of Operations - North* ," briefing slides with scripted commentary, Mosul, Iraq, 101st Airborne Division (Air Assault), U.S. Army, 24 August 2003. General Petraeus briefed numerous dignitaries visiting his headquarters; explaining the utility and the progress of the Nineveh Provincial Council, as an interim ruling body in the primary province of his area of operations. The membership viewed General Petraeus as a liberator and felt that he was trying to improve the general conditions for citizens, and worked with him to ignite the economy and improve the security situation. General Petraeus understood that rapid and visible progress was essential to gain and retain the confidence of the Iraqi people.

[83] Aylwin-Foster, 2. Brigadier Aylwin-Foster, after observing Coalition Provisional Authority on a personal basis during his 2004 service in Iraq, points to a number of reasons behind the Coalition's failure to make better progress in Iraq. Although his focus is the United States Army, he points out that the Army was handicapped early on by what he describes as "naïve decisions" made by the civilian-led administration in Iraq. Most notable among these decisions was the much criticized order to remove tens of thousands of former members of the Ba'ath Party (the top four levels) from government employment (generally the only available employment for those with their skill sets) and the much derided decision to disband the Iraqi Army. The later decision was viewed as especially problematic because it was not immediately accompanied with the announcement for some plan to pay stipends to former soldiers and/or to provide some alternative employment opportunities. Many of the U.S. division commanders, each of whom had already spent several months in Iraq, voiced concern over these decisions, citing the potential for creating a sense of disenfranchisement and the fact that such action would remove many of the people who were best positioned to help the Coalition achieve rapid reconstructive progress. In fact, some military leaders, such as then-Major General David H. Petraeus and officers on his staff in northern Iraq made the foregoing arguments in a successful attempt to soften the impact of these decisions. Even at the time, most within CPA and the 101st Airborne Division agreed that CPA's decision to support Petraeus' requests contributed to the support of the Coalition and the new Iraq. General Petraeus requested and received permission from Ambassador Bremer to modulate the De-Ba'athification process on an interim basis, in order to avoid stripping vital personnel (who had not been "Saddamists) from key ministries, schools, and colleges in Northern Iraq. This matter was important enough for General Petraeus to ask Ambassador Bremer personally for authority to take steps on an interim basis. This occurred while Bremer was visiting Mosul in the early summer of 2003, and Bremer granted Petraeus permission to take these interim steps. This event serves as an excellent example of Bremer's willingness to work with military commanders to achieve progress; in this case, he granted General Petraeus an interim solution that both men hoped would be eventually tied to a long-term reconciliation process (a process that would reintegrate a substantial number of former members of the Ba'ath Party back into the mainstream of Iraqi life). Bremer planned to pursue the reconciliation process, but he was prevented from carrying out this plan when Shi'ia members of the Iraqi Governing Council took control of the Iraqi de-Ba'athification Committee, preventing the erection and operation of reconciliation commissions.

In the end, neither Ambassador Bremer, nor the de-Ba'athfication Committee ever took action on the recommendations from the reconciliation process pursued by Iraqis in Mosul (which occurred without Ba'ath Party involvement and was overseen by a judge). LTG David H. Petraeus, electronic interview by author, 5 February 2006.

[84] Michael J. McNerney, "Stabilization and Reconstruction in Afghanistan: Are PRTs a Model or a Muddle?," Parameters 35 (Winter 2005-06): 34-35, and 43. The author points out that past "stabilization and reconstruction" operations generally demonstrate the same problems, although the United States seems to have a form of strategic amnesia in regard to applying solutions that have worked well in its past.

[85] Slocombe. Slocombe's articulation of the Office of the Secretary of Defense's lack of meaningful examination of this extremely important issue is troubling. The type of cursory and superficial research they conducted into the nation's previous post-war efforts is highlighted by the following statement: "I don't think we anticipated the complete collapse of the governmental system. Remember, that had not happened in Germany or Japan, even with much more larger-scale fighting and a much more total defeat and so on. Indeed, in some sense it hadn't even happened in places like Kosovo." Contrary to Under-secretary Slocombe's assertion, even a few minutes spent in the dozens of historical documents that memorialize the military governments in either Japan or Germany leave the reader with a clear understanding that in both Japan and Germany the government collapsed and that the resulting vacuum was necessarily filled by the military government of the United States. The indicators for collapse were present prior to the end of World War II and they were similarly present long before the first Coalition ground troops arrived at their assembly areas in Kuwait.

[86] Ibid.

[87] Phillips, 5, 37-39. Although, the senior American leaders and planners who ultimately arrived in Iraq to effect post-war reconstruction did not anticipate the degree to which the Iraqi provincial government and security systems would disintegrate, there were those who did apparently anticipate this probability. David Phillips worked with the Future of Iraq Project, which assembled the expertise of seventeen federal agencies and hundreds of Iraqis. The project cost the government over five million dollars, and provided a comprehensive list of detailed forecasts and recommendations (over 2000 pages), to include the possibility of an insurgency based upon the Coalition's potential failure to solve underlying economic and political problems in Iraq. Phillips and others had spent considerable time in Iraq and fully understood the very real possibility that the security apparatus at both the provincial and local levels might dissolve, if the national regime was eliminated. Unfortunately, the project's findings were never given serious consideration by national leaders and were never made available to military planners.

[88] This is consistent with emerging doctrine which articulates the idea that operational phases may often overlap especially during the "dominance and stabilization phases" of armed conflict. If approved, this doctrine would lend formal recognition to the notion that many tasks from the stabilization phase (the phase where military forces work to rebuild basic government functions) must actually begin during the dominance phase (the phase that precedes the stabilization phase, wherein, military forces apply traditional high intensity armed conflict to overwhelm enemy forces). However, in order to initiate complex and resource intensive stabilization tasks, military planners must first develop this as a concrete aspect of their overall phased plan, with clear command guidance for execution. United States Department of

Defense, *Joint Operations*, Joint Publication 3-0 – Revised Second Draft (Washington, D.C.: U.S. Department of Defense, 9 May 2005), IV-30 through IV-31.

[89] This is the primary thesis of an entire host of experts from both the military and civilian communities. *See* Steven Metz, "Insurgency and Counterinsurgency in Iraq," *The Washington Quarterly* (Winter 2003-2004): 27. In fact, this was one of the primary findings of the most comprehensive study performed prior to the initiation of Operation Iraqi Freedom, the Future of Iraq Project. *See* Phillips, 155-156.

[90] Bremer, 61-72. It took Ambassador Bremer over ten pages in his book to provide even a generalized description of the comprehensive state of decay that crippled almost every aspect of the Iraqi infrastructure necessary for the provision of these essential services. He clearly understood the negative impact of this situation and the critical need to find innovative ways to address this problem before Iraqi sentiment turned completely against the Coalition.

[91] Coles and Weinberg, 3-9, 14-19, 24-29. This well documented book represents the United States Army's official after action report and record of the planning and decisions that resulted in President Roosevelt's decision to use military government, in lieu of some form of civilian administration, which was his initial preference (his very strong preference). The principle players, the Judge Advocate General and the Provost Marshal General leveraged history to convince the President that only the military would be capable of pulling off the vast job of the initial post-war administration of either Japan or Germany. In making their case, they put together a compelling case, based on the United States' record of using civilian-led administrations during the American Civil War, the Spanish American War, and World War I (although, this last occupation began as a military government). According to their research, the nation's previous success rate with civilian-led administrations was extremely poor; civilian agencies had never successfully administered a single occupied nation. The ability to plan and execute the fantastically complex and manpower intensive post-World War II occupations, provides overwhelming evidence that once given a mission, the United States military has the capacity to achieve success. The arrival of governance teams during the closing days of warfare in Europe, and their immediate action, once combat operations ceased, stands in stark contrast to the inactivity of ORHA during its first (and last month) in Iraq, in 2003. *See* Wolfe, 52-66.

[92] Phillips, 133-134. While the military was able to move an amazing number of troops, equipment, and expertise across the Kuwaiti border and into Iraq, Lieutenant General (Retired) Jay Garner, the head of the ORHA, was unable to orchestrate even his own movement from Kuwait to Iraq. General Richard Myers, the Chairman of the Joint Chiefs of Staff, made a public statement that this did not matter, "because they are, in fact, acting now" to rebuild Iraq from Kuwait. Garner's own obvious frustration in his inability to begin his job demonstrated otherwise. During the next several months, despite the lack of previous planning, the Army was able to move hundreds experts on civil affairs and governance into Iraq. Conversely, during this same period, General Garner and ORHA could never gain traction in importing experts. Moreover, this is not a new phenomenon; we observed the same dynamic in reverse order as the United States military handed over the civil administration and reconstruction operation in Haiti, in 1996. The civilian agencies that took over the operation were never able to match the manning, the expertise, nor the organizational prowess of their military forebears; as a result, the success that the military had won was rapidly lost by the interagency. *See* Crane, 8.

[93] Coles and Weinberg, 12-25. Although there is a great amount of diffused expertise in various civilian agencies, the United States determined that much of this expertise could be efficiently transferred to civil affairs officers and non-commissioned officers, given sufficient time and resources. Given this model, the nation opened the School of Military Government in Charlottesville, Virginia, on the Campus of the University of Virginia. The school was staffed with both military and civilian experts in all areas of military government. The hundreds of military governance teams that arrived in Europe at the close of hostilities were graduates of this school.

[94] Ibid., 15. Military historians that have studied the three early occupations by United States forces (the American Civil War, the Spanish American War, and World War I) would argue this point more dramatically and assert that "if there is one outstanding lesson to be gained from prior American experiences in military government, it is the unwisdom of permitting any premature interference by civilian agencies with the Army's basic task of civil administration in occupied areas."

[95] Petraeus - AO North Briefing. General Petraeus explained the critical aspect of time to his staff at nearly every battle update briefing, and he underscored this same point with Congressional and senior military leaders when they visited him in Area of Operations North (AO North). He would explain that every day that passes makes it more difficult for Coalition Forces to hold themselves out as liberators. If we do not make good use of those days to improve the underlying conditions in Iraq, this might lead to public unrest, resentment, and loss of hope. With this understanding, he pushed his staff and subordinate commanders to use each passing day to make progress in rebuilding economic infrastructure, restarting schools and universities, creating jobs, rebuilding basic governance, providing essential services, and fielding professional security and police forces. Others have also described the essence of time in this regard. Steven Metz, the Director of Research for the United States Army War College's Strategic Studies Institute, expressed the same principle, when he wrote that "an insurgency is born when a governing power fails to address social or regional polarization, sectarianism, corruption, crime . . . [and] this margin of error is narrower for an outside occupying power than for an inept or repressive national regime." He goes on to explain that an occupant must rapidly address these conditions or in the alternative modify the expectation that they will be rapidly addressed. *See* Metz, 25-29.

[96] Coles and Weinberg, 15, 168-169. In the aftermath of World War II, the need for a single line of authority and the efficiency that experience and time repeatedly proved was unique to the military, caused General Eisenhower (after careful coordination with General Marshall) to issue a directive clarifying that "at all times the tactical commanders have final responsibility and authority" over all reconstruction efforts as military governors.

[97] Ibid., 21-24. The architects of the post-war Europe military governments recognized that a great deal of expertise does exist in the civilian realm, and failure to leverage this pool of expertise would be less than prudent. They also, however, recognized and later proved that a great deal of expertise is also resident in the American armed forces, and that civilian expertise can be quickly integrated into the military to augment this pool of expertise. In fact, this thesis was the overriding principle behind the entire reconstruction effort in Europe.

[98] Ibid.

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[99] A number of writers have forwarded this logic as the rationale for the Coalition's decision to appoint a civilian-led administrator and the careful avoidance of references to the term "occupation." *See* Cayce, 6-7.

[100] Ibid.